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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,824	01/18/2006	Jean-Paul Froment	15293NP	3170
293 7590 11/15/2007 Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave Suite 406 Alexandria, VA 22314			EXAMINER MUROMOTO JR, ROBERT H	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,824

Applicant(s)

FROMENT ET AL.

Examiner

Robert H. Muromoto, Jr.

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, and 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 14 both include the recitation, "such that when frame is in a stationary state and when the at least one heald is substantially rectilinear, when the compression zone...". This transition in the claims is somewhat ambiguous. The examiner is reading these claims as if the 'when' before 'the compression zone' is deleted.

Additionally, claim 17 refers to claim 25, but there is no claim 25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyaert US patent 6,009,918 in view of Baumann et al., US patent 6,883,554 .

'918 clearly discloses a heddle frame for use in a power loom (claim 10) in figure 1, showing 2 posts, 2 cross-members, each having heddle catch means as claimed. This heddle frame arrangement is also acknowledged as the common prior art structure of heddle frames in general.

'918 also discloses in various embodiments damping means referred to as insets by Beyaert. '918 discloses these insets as separate members or as adhesively bonded or welded to the frame staves of the heddle frame, as claimed. The insets are also disclosed to cover the entire length of the frame stave as claimed.

Since all structure of claim 1 is clearly disclosed the functional recitations with regards to the installation and holding of the heddle on the frame are inherently presented by the structure in '918.

Figures clearly show the inset 35 in various embodiments (figures 4-11) being held in a 'receiver' of a heddle as claimed.

Figure 8 shows the inset 'opposite' a 'free end' 22 of the heddle as claimed.

Figure 8 also shows the limitations recited in claims 4 and 5.

In regards to claim 6, rail 6 is disclosed by '918 as affixed by fasteners or screws and detachable collar elements 11 are present to prevent heddles from slipping off.

Clearly these elements disclose the recitations of claim 6. With respect to the

"cooperative shaping" limitation, the rails 6 inherently "cooperate" with the cross-members or else they would not fit and/or function. "Cooperative shaping" is an almost unbounded, extremely broad recitation it is also a functional limitation. Since all structure of the claim is present the function is inherently presented by the structure since it is identical to the structure claimed.

Beyaert discloses that all connections for the frame could be either welded or adhesively bonded as claimed.

Figures show the inset in cross-section in all figures and the shape is constant as claimed.

Figures clearly show the rail in various shapes including 'bent' as claimed.

Although Beyaert teaches essentially all of the limitations of the claimed invention, Beyaert does not show damping elements that provide the 'double points of engagement' described by applicant in the remarks of response dated 1/18/2006.

However, Baumann does teach separate, oppositely mounted damping elements 4 and 4' that are used to greatly decrease stresses in the heddle frame due to machine vibrations.

The addition of Baumann's damping elements external to the healds themselves to the Beyaert dampening system would result in the claimed structure and provide the so-called 'double points of engagement' as described by applicant.

Therefore it would have been obvious to modify the teachings of Beyaert to include additional damping elements external to the heald that would greatly reduce stresses to the heddle frame and weaving loom due to machine vibrations.

Response to Arguments

Applicant's arguments filed 8/21/2007 have been fully considered but they are not persuasive. Applicant's only argument is that the Beyaert reference does not provide 'double points of contact' for the healds to the separately mounted opposing damping elements and opposing catching members or staves of the heald frame.

Applicant appears to have amended claims and added new claims with respect to clarifying the invention with regards to the damping elements and their specific locations and functions.

With regards to these limitations, the examiner has presented a new 103 rejection that uses Beyaert as the base reference and relies on Baumann for the teaching of using separate and opposing damping elements mounted on the heald frame's cross members for greatly reducing vibration stresses to the weaving system.

Since this is the only argument presented by applicant and the new combined teachings clearly show the claimed structure and function the rejection is considered to be proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Bobby Muromoto
/Bobby Muromoto/
Patent examiner
Art unit 3765
November 9, 2007